

### Amendments to the Claims

1. **(Currently Amended)** An evaluation apparatus ~~for a biological sample~~ for acquiring numerical data showing a state of ~~said~~ a biological sample from image data obtained by taking an image of ~~said~~ the biological sample, the evaluation apparatus comprising:

(a) ~~a condition pass/fail determining unit for determining whether a measuring area being set as a numerical data acquiring area in an image to be evaluated conforms to~~ meets a predetermined condition for acquiring the numerical data;

(b) ~~a digitization unit for acquiring the numerical data from the image of which the measuring area is judged to meet~~ be conforming to the predetermined condition; and

(c) ~~a measuring area changing unit for changing a position of the measuring area with regard to the biological sample when said condition pass/fail determining unit determines the predetermined condition is not met.~~

2. **(Currently Amended)** The evaluation apparatus of claim 1, wherein the biological sample includes a cell, and the predetermined condition includes at least one of (i) a number of ~~the cell~~ cells and (ii) an entire area of ~~the cell~~ number of cells in the measuring area.

3. **(Original)** The evaluation apparatus of claim 1, wherein the predetermined condition includes a reference image to be compared with the image in the measuring area.

4. **(Currently Amended)** The evaluation apparatus of claim 1, wherein the predetermined condition includes a predetermined value ~~relating to~~ for judging a result of a comparison ~~obtained by comparison~~ between the image in the measuring area and a reference image.

5. **(Currently Amended)** The evaluation apparatus of claim 1, wherein ~~said~~ the biological sample is a cell having a linear structure extending from a main body of a soma, and ~~said~~ the numerical data includes at least one of (i) a length and (ii) an entire area of the linear structure.

6. **(Currently Amended)** An evaluation method for ~~a biological sample~~ for acquiring numerical data from ~~an~~ image data obtained by taking an image of ~~said~~ a biological sample, the evaluation method comprising the steps of:

(a) ~~setting~~ a condition for acquiring the numerical data from a measuring area being set as a numerical data acquiring area in ~~an~~ the image to be evaluated;

(b) ~~judging whether the measuring area conforms to~~ meets the condition ~~when for~~ acquiring the numerical data;

(c) ~~acquiring the numerical data from the measuring area when~~ the measuring area is judged to ~~conform to~~ meet the condition; and

(d) ~~changing a position of the measuring area with regard to the biological sample when~~ the measuring area is judged not to ~~conform~~ meet the condition.

7. **(Currently Amended)** The evaluation method of claim 6, wherein the biological sample includes a cell, and the condition includes at least one of (i) a number of ~~the cell~~ cells and (ii) an entire area of the ~~cell~~ number of cells in the measuring area.

8. **(Original)** The evaluation method of claim 6, wherein the condition includes a reference image to be compared with the image in the measuring area.

9. **(Currently Amended)** The evaluation method of claim 6, wherein the predetermined condition includes a predetermined value ~~relating to~~ for judging a result of a comparison ~~obtained by comparison~~ between the image in the measuring area and a reference image.

10. **(Currently Amended)** The evaluation method of claim 6, wherein ~~said~~ the biological sample is a cell having a linear structure extending from a main body of a soma, and ~~said~~ the numerical data includes at least one of (i) a length and (ii) an entire area of the linear structure.

11. **(Currently Amended)** ~~A storage medium storing a computer program stored on a storage medium~~ for executing an evaluation method of a biological sample for acquiring numerical data from an image data obtained by taking an image of ~~said~~ the biological sample, ~~said~~ the evaluation method comprising the steps of:

(a) ~~setting a condition for acquiring the numerical data from a measuring area being set as a numerical data acquiring area in an~~ the image to be evaluated;

(b) ~~judging whether the measuring area conforms to~~ meets the condition ~~when for~~ acquiring the numerical data;

(c) ~~acquiring the numerical data from the measuring area when~~ the measuring area is judged to conform to meet the condition; and

(d) ~~changing a position of the measuring area with regard to the biological sample when~~ the measuring area is judged not to conform meet the condition.

12. **(Currently Amended)** The storage medium of claim 11, wherein the biological sample include a cell, and the condition includes at least one of (i) a number of ~~cell~~ cells and (ii) an entire area of the ~~cell~~ number of cells in the measuring area.

13. **(Original)** The storage medium of claim 11, wherein the condition includes a reference image to be compared with the image in the measuring area.

14. **(Currently Amended)** The storage medium of claim 11, wherein the condition includes the predetermined value ~~relating to~~ for judging the result of a comparison ~~obtained by comparison~~ between the image in the measuring area and a reference image.

15. **(Currently Amended)** The storage medium of claim 11, wherein ~~said~~ the biological sample are a cell having a linear structure extending from a main body of a ~~the~~ soma, and the numerical data includes at least one of (i) a length and (2) an entire area of the linear structure.